

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MARVIN S. JACOBY <i>et al</i>	:	
<i>Plaintiff</i>	:	CIVIL ACTION
vs.	:	Case No. 1:08-cv-5017
SAFEWAY INC., <i>et al</i>	:	
<i>Defendants</i>	:	

**CONSENT MOTION FOR EXTENSION OF TIME TO FILE
AMENDED AND RESTATED COMPLAINT**

Benjamin Rubin, Esquire on behalf of Plaintiff, Marvin S. Jacoby ("Plaintiff") hereby applies to the Court for an Order allowing for an extension of two weeks until June 4, 2009 to file the Amended and Restated Complaint, pursuant to Judge Schneider's May 14, 2009 Order regarding granting leave to file said Amended and Restated Complaint, and in support thereof avers as follows:

1. As was disclosed to the Court at the May 14, 2009 status conference, the continued legal representation of Plaintiff by Gowa Lincoln, PC ("Counsel"), appears to have been terminated during the week of May 11, 2009.

2. Gowa Lincoln, PC is and has been attempting to communicate with Plaintiff by a variety of means, including without limitation, overnight mail, email, regular mail and telephone to confirm that the representation is terminated and ascertain whether and who Plaintiff has retained as substitute counsel. To date, Counsel has not been able to have direct, two-way verbal or telephonic communications with Plaintiff for at least one week from the date hereof.

3. Counsel does not believe it has sufficient authority at this time to file any Amended

Complaint on behalf of Plaintiff and has been unable to communicate with Plaintiff to discuss such authority despite diligent good faith efforts to do so.

4. Defendants have consented to this motion only to the extent of an extension for an additional two weeks. Unless and until the question of the legal representation of Plaintiff is resolved by the substitution of new counsel and the withdrawal of Gowa Lincoln, PC, the Court granting leave to Gowa Lincoln, PC to withdraw as counsel, Plaintiff explicitly directing Gowa Lincoln, PC to file a specific amended complaint after carefully reviewing and approving the same, or there being some other disposition of this case, Gowa Lincoln, PC shall not feel legally or ethically authorized to file an amended complaint and shall have to request an additional extension or extensions.

5. A proposed form of Order is submitted herewith.

Respectfully submitted,

GOWA LINCOLN, PC
Attorneys for Plaintiff

By: s/ Benjamin E. Rubin
Benjamin E. Rubin, Esquire

Date: May 20, 2009

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MARVIN S. JACOBY *et al*
Plaintiff

vs.

SAFeway INC., et al

Defendants

CIVIL ACTION

Case No. 1:08-cv-5017

CONSENT ORDER

IT IS HEREBY ORDERED this 21st day of May, 2009 that the Amended and Restated Complaint as referenced in the May 14, 2009 Order of the Court, may be filed on or before June 4, 2009.

By:

The Honorable Karen Williams, U.S.M.J.

CERTIFICATE OF SERVICE

The undersigned counsel for Plaintiff hereby certifies that on this 20th day of May, 2009, I caused the foregoing Consent Motion for Extension of Time to File Amended and Restated Complaint to be served via electronic filing/ECF and e-mail to the following:

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GOWA LINCOLN, PC

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